

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GARY JONES,

Plaintiff,

Case Number: 05-CV-74606

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

AIR MAIL CENTER POST OFFICE,

Defendant.

_____ /

**ORDER *SUA SPONTE* DISMISSING PLAINTIFF'S COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff Gary Jones filed a Complaint on December 5, 2005 against Defendant Air Mail Center Post Office, alleging the following:

[Defendant] have been [sic] instructed by the Detroit Federal Bureau of Investigation to treat me as an enemy combatant. An enemy combatant is denied all United States Constitutional Rights. I have been denied all United States Constitutional Rights, all United States Constitutional Protections and all United States Constitutional Freedoms. My denial of Constitutional Rights, Constitutional Protections and Constitutional Freedoms have lead to violations against me under the Fair Labor Standards Act, that normally would have been given to me without the interference of the Detroit Federal Bureau of Investigations.

(Compl. 1). On Plaintiff's Complaint cover sheet, Plaintiff brings this cause of action under Michigan's Elliot-Larsen Civil Rights Act, the U.S. Constitution, the Employee Labor Relations Manual and Federal Union Contract. (Compl, Cover Sheet).

"A district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations are "implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to

discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). Pursuant to Federal Rule of Civil Procedure 12(b)(1), the Court finds that Plaintiff’s Complaint is implausible, frivolous and devoid of any merit on its face. Accordingly, the Court *sua sponte* DISMISSES Plaintiff’s Complaint for lack of subject matter jurisdiction.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 10, 2006.

s/Jonie Parker
Case Manager